

REMARKS

The Examiner objected to the specification as failing to provide antecedent basis for the claimed subject matter. Applicants have amended the specification to incorporate the language of claims 6-14 and claim 17 as suggested by the Examiner. Applicants have amended claim 16 to remove the reference to organic solvents.

Claims 1, 4 and 16 were objected to due to informalities. The claims have been amended in a fashion that should obviate these objections.

Claims 1, 2, 4, 16 and 19 were rejected under 35 U.S.C. 112, second paragraph. Applicants respectfully traverse this rejection. Claims 1 and 19 have been amended to clarify the trisazo black dye is in the black ink as discussed in the specification at page 6, line 1. Claim 2 has been amended to further clarify that each dye is present in each ink in the amount of 0.1% to 15%.

Claims 4 and 10 have been amended to remove the trade names "Kodak Lightfast Magenta 1" and "Nippon Kayaku JPD EK-1". The CAS#s have been left in the claims as these are specific compound structures as cataloged by the Chemical Abstract Services, arm of the American Chemical Society. Grant & Hackh's Chemical Dictionary, Fifth Edition defines a CAS registry number as a unique number given to each definable chemical, and therefore such numbers are not indefinite. Claim 16 has been amended as requested by the Examiner.

Claims 1-19 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4, 8, 14-21 and 23 of copending Application No. 10/695,165 (US 2005/0087099). Applicants respectfully traverse this rejection. In order to expedite prosecution, however, Applicants have submitted a Terminal Disclaimer that should obviate this rejection.

Claims 1-5 and 15-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO 02/094943 (US 2004/0128775 is English equivalent) (Wuzik). Claims 1-5 and 15-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Geisenberger et al. ('674). Applicants respectfully traverse these rejections. As the rejections over the two references and the disclosure of the references is so similar, the references will be discussed together.

The current invention provides an ink jet ink set comprising the specific cyan, magenta, yellow and black dyes as claimed. This ink set provides

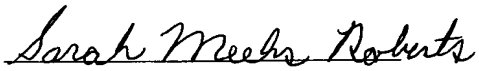
excellent light fastness on laminated ink jet receivers while simultaneously avoiding the problems described with other types of black dyes. The Wuzik and Geisenberger et al references do describe triazo black dyes, however they do not described the selection of the specific cyan, magenta and yellow dyes that must be utilized in the ink set to provide the advantage of the current invention. The reference describes many different colorants that may be used in the yellow, cyan and magenta inks that may be utilized with the triazo black dye ink. First of all, both references state that pigments may be used in the cyan, magenta and yellow inks, and provide a list of pigments that may be utilized. Clearly pigments are not used in the dye set of the current invention. There are also numerous dye classes described that are not suitable for use in the current invention. With regard to the cyan ink, Acid Blue 9 is a triarylmethane dye and is used in the comparative examples of the current application. With regard to the yellow ink Acid Yellow 17 and Acid Yellow 23 are both azopyrazolone dyes and Acid Yellow 23 is used in the comparative examples of the current Application. The claims have been amended to provide that the magenta dye is an anthrapyridone dye. None of the dyes listed in the two references are anthrapyridone magenta dyes. Acid Red 52, one of the listed dyes is a xanthenene dye, and is used in the comparative examples of the current application.

In order to arrive at the current invention one skilled in the art being guided by the Wuzik and Geisenberger et al references would have to make a series of choices that are only obvious in hindsight and with the teachings of the current invention. One would first have to choose to use all dyes instead of pigments, even though no preference is given in the references to dyes. Then one would have to choose to use the specific dye class required by the current invention for each of the cyan and yellow dyes, even though again there is no suggestion made that those dye classes are preferred. Lastly, one would have to choose an anthrapyridone magenta dye, a dye class not even mentioned in the Wuzik and Geisenberger et al references. Clearly such a series of choices would not be made. Therefore, the current invention is not obvious over these two references.

It is believed that these changes now make the claims clear and definite and, if there are any problems with these changes, Applicants' attorney would appreciate a telephone call.

In view of the foregoing, it is believed none of the references, taken singly or in combination, disclose the claimed invention. Accordingly, this application is believed to be in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,


Attorney for Applicant(s)
Registration No. 33,447

Sarah Meeks Roberts/fjg
Rochester, NY 14650
Telephone: 585-588-7488
Facsimile: 585-477-1148

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.